

REMARKS

The Assignee has carefully considered the Office action dated April 27, 2010. The Assignee traverses the rejections. All claims are in condition for allowance. Favorable reconsideration and allowance of this application are respectfully requested.

I. Independent Claim 1

In the Office action, independent claim 1 was rejected under 35 USC § 103 as unpatentable over Sibbitt et al. (US 5,065,392) in view of Jepsen (US 6,366,581). The Assignee traverses this rejection. Independent claim 1 is directed to a method and recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. The combination of Sibbitt et al. and Jepsen suggested in the Office action does not teach or suggest such a method.

The Office action concedes that Sibbitt et al. do not teach or suggest at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. *Office Action dated April 27, 2010, p. 4, ¶ 1.* However, the Office action contends that Jepsen overcomes the deficiencies of Sibbitt et al.

Jepsen does not teach or suggest at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. Although Jepsen shows an operating company A having three local exchange carriers (LECs) interconnected through network node interfaces (NNI) (*Jepsen*, FIG. 1), such a network configuration does not denote a logical circuit including variable communication

paths. Instead, Jepsen shows that LEC 1 of operating company A is provided to enable network access to terminal equipment (TE) A, B, C; LEC 3 is provided to enable network access to TE D and TE E; and LEC 2 is provided as an interface to operating companies B and D. *Id.* However, Jepsen does not teach or suggest using LEC 1, LEC 2, and LEC 3 to provide a logical circuit including variable communication paths. On the contrary, Jepsen describes that configurations must remain fixed when creating a permanent virtual connection. *Id.*, 5:16-35 (“... the user specifies the connection side (“From” or “To”) for which subsequently entered parameters will be effective.” and “... once a side is labeled as the From side, that labeling must be used for subsequent entry of parameters.”). Jepsen describes that “From” refers to one side of a switch and “To” refers to the other side of the switch. *Id.* Thus, the permanent virtual connections of Jepsen are not logical circuits having variable communication paths. Instead, the permanent virtual connections of Jepsen remain fixed across switches configured to carry the permanent virtual connections.

In view of the foregoing, independent claim 1 and all claims dependent thereon are in condition for allowance.

II. Independent Claim 15

In the Office action, independent claim 15 was rejected under 35 USC § 103 as unpatentable over Sibbitt et al. and Jepsen. The Assignee traverses this rejection. Independent claim 15 is directed to a system and recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. The combination of Sibbitt et al. and Jepsen suggested in the Office action does not teach or suggest such a system. Accordingly, independent claim 15 and all claims dependent thereon are in condition for allowance.

III. Independent Claim 26

In the Office action, independent claim 26 was rejected under 35 USC § 103 as unpatentable over Sibbitt et al. and Jepsen. The Assignee traverses this rejection. Independent claim 26 is directed to a method and recites, among other things, at least one logical circuit that includes first variable communication paths to route data through a first local access and transport area and second variable communication paths to route the data through a second local access and transport area. The combination of Sibbitt et al. and Jepsen suggested in the Office action does not teach or suggest such a method. Accordingly, independent claim 26 and all claims dependent thereon are in condition for allowance.

IV. Conclusion

In view of the foregoing, the Assignee respectfully submits that this application is in condition for allowance and requests an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

In general, the Office action makes various statements regarding the pending claims and the cited references that are now moot in light of the above. Thus, the Assignee will not address such statements at the present time. However, the Assignee expressly reserves the right to challenge such statements in the future should the need arise (e.g., if any such statement should become relevant by appearing in a rejection of any current or future claim).

The Commissioner is authorized to charge any deficiency in the submitted payment toward payment of any fee due for the filing of this paper to deposit account number 50-2455.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Assignee requests that the Commissioner consider this paper to be a petition for an appropriate

extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

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August 27, 2010